

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-211796

DATE: June 1, 1983

MATTER OF: Anthony J. Bertucci Construction Co.,
Inc.

DIGEST:

Protest concerning the small business size status of competing bidder is by law a matter for decision by the Small Business Administration and not for consideration by GAO.

Anthony J. Bertucci Construction Co., Inc. (Bertucci), protests consideration by the Army Corps of Engineers of a bid submitted by Cotton Belt Gravel Company (Cotton Belt) in response to invitation for bids No. DACW38-83-B-0010, for realignment of a waterway.

Bertucci contends Cotton Belt is not a small business and, therefore, is not qualified to bid.

We dismiss the protest.

Under 15 U.S.C. § 637(b)(6) (1976), the Small Business Administration (SBA) has exclusive authority to determine matters of small business size status for Federal procurement purposes. Therefore, our Office will not review questions of a bidder's small business size status, which are for review by SBA. Bid Protest Procedures, 4 C.F.R. § 21.3(g)(2), as added by 48 Fed. Reg. 1932 (1983); Midwest Janitorial Services, Inc., B-209995, December 17, 1982, 82-2 CPD 543.

J. R. Barclay Jr.
Harry R. Van Cleve
Acting General Counsel

025745